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Subject: Comments on Report of the Task Force on the Role of the State Bar

The report of the Task Force on the Role of the State Bar of Michigan should be accepted as to continuing the State Bar as a mandatory group but rejected as to limitations on the activities of State Bar Sections.

The Task Force bases its recommendations on *Keller v. State Bar of California*, 496 U.S. 1 (1990).

However neither *Keller* nor its subsequent use and history in other cases places any limitation on State Bar sections funded with voluntary contributions like the Sections of the Michigan State Bar.

The Task Force recommendation is sophistry as to the MI State Bar Sections. It says activities of the Sections can be construed to be activities of the State Bar itself and therefore may confuse the public so therefore even though the Sections are voluntarily supported the Section activities should be limited.

Such restrictions would be rife with constitutional challenges and expose the Michigan Supreme Court to the undignified litigation that is sure to result in United States District Court litigation.

Just as the Supreme Court can't constitutionally limit attorneys in their legal private activities, so it can't constitutionally limit a group of attorneys voluntarily pooling money in a State Bar section and then using that section money in a legal activity.

Do we really want television news, talking heads, radio news, newspaper headlines, and infinite internet articles and jokes about such litigation dragging our profession into the mud in the eye of the public?

Who wins from such disgraceful news? Nobody wins.

Thus I respectfully encourage the Supreme Court to continue with a mandatory State Bar to regulate attorneys and the practice of law but not unduly regulate the Sections by controlling the nature of their advocacy, which is best controlled by their members ceasing membership if they disagree with it.

Respectfully,

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